

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	23-1532, Mountain Valley Pipeline, LLC v. 8.37 Acres of Land
Originating No. & Caption	7:20-cv-134, Mountain Valley Pipeline, LLC v. 8.37 Acres
Originating Court/Agency	United States District Court for the Western District of Virginia

Jurisdiction (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. sec 1291	
Time allowed for filing in Court of Appeals	30 Days	
Date of entry of order or judgment appealed	April 14, 2023	
Date notice of appeal or petition for review filed	May 12, 2023	
If cross appeal, date first appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period	N/A	
Time for filing appeal extended to	N/A	
Is appeal from final judgment or order?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-731-9099.)		
Is settlement being discussed?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Has transcript been filed in district court?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Case Handling Requirements (answer any that apply)		
Case number of any prior appeal in same case	N/A	
Case number of any pending appeal in same case	N/A	
Identification of any case pending in this Court or Supreme Court raising similar issue	N/A	
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does case involve question of first impression?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)
<p>Mountain Valley Pipeline condemn property for installation of a natural gas pipeline through the Terry property. The jury heard from three appraisers including one appraiser who testified to the value of the property before condemnation and not the value after condemnation. The jury considered all three opinions to render a verdict. MVP moved for directed verdict arguing a jury cannot consider a value of the property before condemnation from one appraiser and the value of the property after condemnation from another appraiser to determine just compensation. The court granted MVP's motion and directed verdict to an appraisal conclusion rather than the verdict from within the range of the evidence. The Court order awarding interest, costs, and fees based on the federal rates rather than state law.</p>

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

1. Did the trial court err in finding the verdict not based in evidence and directing a verdict?
2. Did the trial court err in applying federal law, rather than state law, to determine just compensation including interest rate on the judgment and reimbursement of costs and fees?

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Mountain Valley Pipeline, LLC

Attorney: Seth Land, Esq. & Wade Massie, Esq.
 Address: 208 East Abingdon Street
 Abingdon, Virginia 24210

E-mail: sland@pennstuart.com

Phone: 276-628-5151

Adverse Party:

Attorney:
 Address:

E-mail:

Phone:

Adverse Parties (continued)

Adverse Party:

Attorney:
 Address:

E-mail:

Phone:

Adverse Party:

Attorney:
 Address:

E-mail:

Phone:

Appellant (Attach additional page if necessary.)

Name: Frank H. Terry, Jr.

Attorney: Joseph V. Sherman, Esq.
Address: 324 W. Freemason Street
Norfolk, Virginia 234510

E-mail: joe@JVSlawyer.com

Phone: (757) 350-8308

Name: John Coles Terry, III

Attorney: Joseph V. Sherman, Esq.
Address: 324 W. Freemason Street
Norfolk, Virginia 234510

E-mail: joe@JVSlawyer.com

Phone: (757) 350-8308

Appellant (continued)

Name:

Attorney:
Address:

E-mail:

Phone:

Name: Elizabeth Terry Reynolds

Attorney: Joseph V. Sherman, Esq.
Address: 324 W. Freemason Street
Norfolk, Virginia 234510

E-mail: joe@JVSlawyer.com

Phone: (757) 350-8308

Signature: /s/ Joseph V. Sherman **Date:** May 26, 2023**Counsel for:** 8.37 Acres of Land, et al.**Certificate of Service** (required for parties served outside CM/ECF): I certify that this document was served on _____ by ☐ personal delivery; ☐ mail; ☐ third-party commercial carrier; or ☐ email (with written consent) on the following persons at the addresses or email addresses shown:

Signature:

Date: